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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,863

04/12/2004

Andreas Hamburger

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04/20/2006

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,863	Applicant(s) HAMBURGER ET AL.	
	Examiner Leonid M. Fastovsky	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,9,11-13,15-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5,9,11-13,15-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “retaining webs” cited in claim 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 -19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it is not clear that "PTC elements, cold conductors", cited in parenthesis in line 2, are positively claimed.

Claim Objections

5. Claims 2 and 21 are objected to because of the following informalities: they cite the word "fractionally" instead of "frictionally". Appropriate correction is required.
6. Claim 22 is objected to because of the following informalities: it cites "retaining webs" that are not shown in the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-4, 11-12 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fudickar et al (4,426,573).

Fudickar teaches a device 1 for receiving ceramic PTC heating elements 2 in the device, having an inherently insulating-synthetic resin frame 7, and at least one contact plate 5 held in the insulating frame 7, wherein the contact plate 5 is inherently frictionally held in the frame 7 because the entire subassembly is encapsulated in a skin 8 (col. 3, lines 51-60) that urges the conductor plate into snug engagement with the PTC elements 2 (col. 4, lines 59-64), so that the contact plate 5 cannot be drawn out of the frame 7 without damaging the frame, and the contact plate is held in grooves 14 of the frame 7.

As for claim 4, Fudickar teaches that the contact plate 5 is additionally positively held in frame 7 by a metal platen 11.

As for claim 21, Fudickar teaches an electrically conductive metal platen-tube 11, recesses "S", longitudinal struts 7' and an insulating strip 8.

9. Claims 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Damsohn et al (5,665,261).

Damsohn teaches a device for receiving ceramic PTC heating elements 15 in the device having an inherently insulating-silicon frame 7 and at least one contact plate 5 held in the insulating frame 7, the contact plate 5 and the insulating frame 7 are frictionally connected (col. 6, lines 55-63), and the frame 7 has crossbars 3 between which the heating elements 15 are inserted.

As for claim 9, Damsohn teaches that the contact plate 5 projects over the frame 7 with a terminal lug 5' (Fig. 5).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Damsohn in view of Van Bokestal.

Damsohn discloses substantially the claimed invention including the contact plate 5 covered by the sealing 7, but does not teach a contact plate covered by a polymer ceramic. Van Bokestal discloses a PTC heating device having an insulating polymer ceramic 5 covering a contact plate 4. It would have been obvious to one having ordinary skill in the art to modify Damsohn's invention to include an insulating layer as taught by Van Bokestal for protection against electric short.

12. Claims 15 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damsohn in view of Van Bokestal.

Damsohn discloses substantially the claimed invention including the contact plate 5 covered by the sealing 7, holding elements "b" formed by the insulating frame 7, and aslo the holding elements - projections 12, formed on the contact plate 5, but does not disclose the projections pressed out of the contact plate and the contact plate covered by a polymer ceramic. Van Bokestal discloses a PTC heating device having an insulating polymer ceramic 5 covering a contact plate 4.

Art Unit: 3742

It would have been obvious to one having ordinary skill in the art to modify Damsohn's invention to press projections out of the plate as an alternative design choice since applicant has not disclose that this limitation solves any particular problem that can not be solved by the prior art.

Further, it would have been obvious to one having ordinary skill in the art to modify Damsohn's invention to include an insulating layer as taught by Van Bokestal for protection against electric short.

As for claim 15, it is product –by-process claim, by citing “spraying or molding” in line 4, and the product itself does not depend on the process of making it.

Allowable Subject Matter

13. Claims 6-8 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments with respect to claims 2-5, 9, 11-13, 15-19 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

It would have been obvious to one having ordinary skill in the art to modify Damsohn's invention to press projections out of the plate as an alternative design choice since applicant has not disclose that this limitation solves any particular problem that can not be solved by the prior art.

Further, it would have been obvious to one having ordinary skill in the art to modify Damsohn's invention to include an insulating layer as taught by Van Bokestal for protection against electric short.

As for claim 15, it is product –by-process claim, by citing "spraying or molding" in line 4, and the product itself does not depend on the process of making it.

Allowable Subject Matter

13. Claims 6-8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments with respect to claims 2-5, 9, 11-13, 15-19 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

*you
also
have
these
rejected
under 112*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

Art Unit: 3742

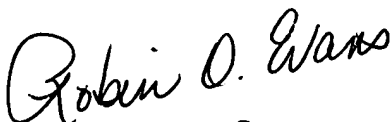
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leonid M Fastovsky
Examiner
Art Unit 3742

lmf

4/17/06


ROBIN EVANS
SUPERVISORY PATENT EXAMINER
4/17/06